

MEMORIAL

OF

LOUISA LIVINGSTON, AND OTHERS,

PRAYING

The payment of the award made in their favor by the commissioners under the convention with Mexico.

FEBRUARY 4, 1846.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the undersigned, citizens of the United States,

RESPECTFULLY REPRESENTS :

That, pursuant to the convention of the 11th April, 1839, between the government of the United States and the Mexican republic, certain claims of American citizens were liquidated, definitively adjusted, and awarded to be due from the Mexican republic, to the amount, in the whole, of \$2,026,139 68.

That, pursuant to the act of Congress of September 1, 1844, certificates were issued to the undersigned by the Secretary of the Treasury of the United States, authorizing them to receive from the treasury of the United States the portions of the said award which were due to them respectively.

That, by the act of Congress of June 12, 1840, the Secretary of the Treasury was required to cause the money which might be paid by the Mexican Government, in satisfaction of said awards, to be remitted on the most advantageous terms to the United States; and all moneys so received were thereby required to be deposited in the treasury of the United States, no agency or action in the matter being allowed to the claimants themselves, or the holders of the certificates from the Treasury Department, either in the collection, receipt, transmission, deposite, distribution, or payment of the money, so to be paid by Mexico.

That, on the 30th of January, 1843, the government of the United States concluded a new convention with the republic of Mexico, wherein it stipulated that, on the 30th day of April, 1843, the Mexican government should pay all the interest due on the awards in favor of the claimants, under the convention of the 11th of April, 1839, in gold or silver money, in the city of Mexico; that the principal of the said awards, and the inter-

est accruing thereon, should be paid in five years, in equal instalments every three months—the said term of five years to commence on the 30th of April, 1843, aforesaid ; that the payment should be made, in the city of Mexico, to such person as the United States might authorize to receive them, in gold or silver money, but no circulation, export, or other duties were to be charged thereon ; that the Mexican government would solemnly pledge the proceeds of the direct taxes of the Mexican republic for the payment of the instalments and interest ; but, whilst no other fund was thus specifically hypothecated, the government of the United States, by accepting this pledge, did not incur any obligation to look for payment of these instalments and interests to that fund alone ; that as this new arrangement, which was entered into for the accommodation of Mexico, would involve additional charges of freight, commission, &c., the government of Mexico agreed to add two and a half per centum on each of the aforesaid payments on account of said charges.

That the government of the United States appointed, from time to time, its own agents in the city of Mexico, without any assent or control, or even knowledge, of the undersigned, to receive on its own behalf, and transmit to the United States, the moneys that thus became due.

That Mexico commenced the payment to these agents of the stipulated quarterly instalments, and the claimants received from the treasury of the United States the arrears of interest payable on the 30th of April, 1843, and also the first, second, and third quarterly instalments of principal, payable on the 30th of July, 1843, the 30th of October, 1843, and the 30th of January, 1844.

That Mexico suspended the payment of the fourth quarterly instalment, payable on the 30th of April, 1844, on account, as your memorialists have always understood, of political differences with the government of the United States ; but, subsequently, when the period for the fifth quarterly instalment arrived, payable on the 30th of July, 1844, President Santa Anna ordered the payment to the agent of the United States of both the fourth and fifth quarterly instalments, amounting to \$275,000.

That the notice of this payment, as having been made on the 27th of August, 1844, was officially communicated by the Mexican Secretary of State, Señor Rejon, under date of the 2d of September following, to the minister of the United States, Mr. Shannon, who had arrived there on the 26th of August.

That, on the 12th of the same month of September, Mr. Shannon had an interview with President Santa Anna, by whom he was apprised that said payment of the fourth and fifth instalments had been made, and received the assurance that proper measures had been taken to secure the payment of the future instalments as soon as they became due.

That, under date of the 21st of the said month of September, Mr. Shannon sent an official despatch to the Secretary of State of the United States, stating that the payment of the instalments of April and July, 1844, had been made according to the terms of the convention, (that is, in gold and silver,) in Mexico, on the 27th August preceding, to the agent appointed to receive and transmit the same to the United States.

That, conformably with all these official acts and informations, the State Department caused an official notice to be published in the *Madisonian* of the 4th of November, 1844, stating that said instalments, under the convention, had been paid by the government of Mexico on the 27th August.

That, notwithstanding these official evidences of the acts of the agents of the United States, the sums of money admitted to have been received were not transmitted to the United States, nor is it known to your memorialists that any report, statement, or explanation of the causes of delay was required from or made by such agents to the government of the United States.

That, on the 18th December, 1844, it was stated to the Secretary of the Treasury, in a letter of Mr. Green, that neither of the instalments in question had been paid, but that orders upon the Mexican treasury were given to the agent, and no money could be obtained upon them up to the time when Mr. Trigueros left the Treasury Department of Mexico; and that his successor had suspended the payment of all orders. But it is not known to your memorialists that this information, given to Mr. Green, was founded on any statement, official or otherwise, from the agent, or from Mr. Trigueros, or from the Mexican government, or from any source which can be considered as conclusive against the formal, deliberate, and official declarations of the minister plenipotentiary of the United States and the Mexican Secretaries of State and Treasury.

That, on the 3d of March, 1845, Congress passed an act appropriating, for paying the April and July instalments of the Mexican indemnities due in 1844, the sum of \$275,000; provided it should be ascertained, to the satisfaction of the American government, that the said instalments had been paid by the Mexican government to the agent appointed by the United States to receive the same, in such manner as to discharge all claims on the Mexican government, and said agent was delinquent in remitting the money to the United States.

That, on the 2d of December, 1845, the President stated, in his message to Congress, that "the unsettled state of our relations with Mexico had involved this matter in much mystery; that the first information, in an authentic form, from the agent of the United States, had been received at the State Department on the 9th of November, 1845, in a letter dated the 17th of October, addressed by him to one of our citizens then in Mexico, with a view of having it communicated to that department. From this it appeared that the agent, on the 20th of September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July instalments of that indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash; but that he held such securities as warranted him at the time in giving the receipt, and entertained no doubt but that he would eventually obtain the money. As these instalments, in the President's opinion, did not appear to have been actually paid by the government of Mexico to the agent, and as that government had not, therefore, been released, so as to discharge the claim, he did not feel himself warranted in directing payment to be made to the claimants without further legislation; but he stated their case to be undoubtedly one of much hardship, and it was for Congress to decide what relief ought to be granted to them.

The terms of the receipt were that he, the agent employed by the treasury of the United States, and whose name it appears was Emilie Voss, had, at Mexico, on the 20th of September, 1844, received from the Treasurer General the sum (not draft) of \$274,665 75, on account of the two instalments due of the claims of the United States.

That, on the 10th of December, 1845, one of the claimants and holders

of certificates from the treasury of the United States received, as your memorialists are informed and believe, a letter from General Santa Anna, the President of the Mexican republic at the time the two quarterly instalments were paid, in which that functionary expressly states that, on the 30th of July, 1844, he had "dictated all the necessary measures, and positively ordered the secretary to make the payment in specie," so that if, in defiance of his orders, the payment was made in bills or drafts, that functionary violated his duties by disobeying the President's commands; and the agent, Don Emilie Voss, was not less guilty in receiving, as he received, according to what was stated, the amount in paper. At that same period, General Santa Anna dictated, in advance, other orders for the successive payment of the instalments, with all exactness, and in ready cash; for, as he said, the people having contributed in cash, he resolved and ordered that the money should not be employed for any other purpose, and his conversation with the minister Shannon alludes to this. In short, he added, that, in his opinion, the instalments referred to were paid in ready cash; but, if not so, the minister and the agent Voss were responsible—the former for having disobeyed his positive orders, and the latter for not having fulfilled those of his constituents.

It is thus apparent, as your memorialists believe, that their just and recognised claims have been postponed on account of political difficulties between the United States and Mexico; that a delay and change in the mode of payment, injurious to them, were acceded to by the United States in the settlement of their public negotiations; that the quarterly instalments due up to this time, being eleven in number, and making up fifty-five per cent. of the whole debt, would have been paid but for those difficulties; that the fourth and fifth instalments were, in all probability, actually paid to the agent selected and appointed by the Treasury Department; or, if such payment were not actually paid, the omission was caused by the neglect and improper conduct of that agent.

Your memorialists, forbearing to comment on these facts, but submitting them to the consideration of Congress, respectfully ask that an appropriation may be made for the payment of the amount of the certificates received by them from the treasury of the United States; and that the further measures necessary for obtaining the amount from Mexico may be adopted by the government of the United States, in its own time and manner, without prolonging the deep injury and injustice to which they have been heretofore subjected.

PHILADELPHIA, *February 2, 1846.*

LOUIZE LIVINGSTON.
 THOMAS P. BARTON.
 JAMES NEVINS.
 BORIE J. LAGUESENNE,
 for A. E. BORIE,
Executor for the executors of T. J. Borie, deceased.
 LEWIS WALN.
 J. FISHER LEAMING.
 MARGARET SPERRY.